

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

ONE JEFFERSON ROAD

PARSIPPANY, NJ 07054

FACSIMILE

(973) 503-5950

www.kelleydrye.com

NEW YORK, NY

WASHINGTON, DC

LOS ANGELES, CA

CHICAGO, IL

HOUSTON, TX

STAMFORD, CT

AFFILIATE OFFICE

MUMBAI, INDIA

(973) 503-5900

LAURIE A. MAZZUCHETTI

DIRECT LINE (973) 503-5910

EMAIL lmazzuchetti@kelleydrye.com

January 31, 2019

By ECF

Hon. Leda Dunn Wettre, U.S.M.J.
United States District Court for the District of New Jersey
50 Walnut Street
Newark, NJ 07101

**Re: *Johnson v. Comodo Group, Inc.*, Case No. 16-cv-04469
Documents Relevant to Plaintiff's Dismissal of the Comodo CA
Defendants**

Dear Judge Wettre:

We write on behalf of Comodo Group, Inc. ("CGI") in response to the Court's January 30, 2019 Order (Dkt. No. 124) seeking confirmation whether CGI's January 14 2019 request for permission to move this Court for an order compelling Plaintiff to produce relevant documents (Dkt. No. 116), has been mooted by Plaintiff's letter and production of one document. (Dkt. No. 118.) Unfortunately, despite further attempts by CGI to resolve this matter informally, the issue is not moot and still requires consideration from the Court.

CGI seeks production of not just the Tolling Agreement, but all communications between Plaintiff's counsel and the Comodo CA entities, including any other relevant agreements that led to the Stipulation of Dismissal. Despite production of the Tolling Agreement, Plaintiff has refused to produce any other documents pertaining to this agreement and/or confirm that no other correspondence or agreements exist.

The documents are responsive to our prior document requests for "[a]ll documents relevant to the Subject Matter of this Action" and "[a]ll documents furnished or obtained from any third party or source relating to any of the allegations in the Complaint." (CGI's First Set of Requests for Production, Nos. 1 and 4.) Plaintiff is under a continuing obligation to produce documents responsive to these requests. Plaintiff has not asserted one valid basis upon which the requested documents are being withheld.

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Accordingly, CGI respectfully requests permission to move this Court for an order compelling production of the improperly withheld documents, or alternatively, to schedule an in-person conference to address these issues.

Respectfully submitted,

KELLEY DRYE & WARREN LLP

/s/ Lauri A. Mazzuchetti

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cc: All Counsel Record (via ECF)

Defendant must submit the dispute pursuant to the dispute-letter procedure set forth in L.Cv. R. 37.1, provided impasse has been reached after a fulsome meet and confer. The submission should detail how the information sought is relevant to the claims or defenses in this action.

So Ordered

this 1st day of February, 2019

Leda D. Wettre
Leda D. Wettre, USMJ